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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 11 April 1996, at 3 p.m.

Chairman:	Mr. VERGNE SABOIA	(Brazil)
later:	Mr. MBA ALLO (Vice-Chairman)	(Gabon)

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS CONCERNING AGENDA ITEMS 5, 6, 13, 11 AND 16

Draft resolutions and decisions concerning agenda item 5

Draft resolution E/CN.4/1996/L.19 (Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these rights)

1. Mr. CUNHA ALVES (Observer for Portugal), introducing the draft resolution, said that the sponsors had been joined by Belarus, Cameroon, Canada, Colombia, Germany, Honduras, Mexico, Nepal, the Philippines, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe.

2. As in previous years, the draft resolution, which was guided by the principle of the universality, indivisibility and interdependence of all human rights and fundamental freedoms, took into consideration the work of the Committee on Economic, Social and Cultural Rights and reaffirmed the value of the progress achieved by the international community with respect to the existing standards in that field. It underlined the importance of using the Covenant as a framework for the adoption of legislation and policies in the field of economic, social and cultural rights, the role that the reporting system could play and the relevance of ensuring the study of specific economic, social and cultural rights.

3. Two months before the holding of the second United Nations Conference on Human Settlements (Habitat II), the draft resolution recognized the interest of the final report on the right to adequate housing, submitted by Mr. Sachar, Special Rapporteur of the Sub-Commission, and of the work of the expert group meetings convened in preparation for the Conference. It should be recalled that the right to adequate housing was set out in the Universal Declaration of Human Rights, in the Covenant and in other international human rights instruments. The draft resolution took note with interest of General Comment No. 6 adopted by the Committee on the economic, social and cultural rights of older persons, as well as of the report of the Committee on the technical assistance mission to Panama, undertaken in accordance with an innovative procedure for follow-up action. The draft also took note of the discussion held by the Committee in 1995 on the drafting of an optional protocol to the Covenant and of certain recommendations made by Mr. Turk, the former Special Rapporteur of the Sub-Commission, on the need to enhance the cooperation between the international financial institutions and the human rights bodies. Lastly, the United Nations High Commissioner for Human Rights was encouraged to promote coordination of the human rights activities of the United Nations and those of development agencies and to take into full consideration economic, social and cultural rights in carrying out his mandate.

4. Portugal hoped that the draft resolution, which was the result of wide consultation among various regional groups, would be adopted without a vote, as in previous years.

5. Mr. MÖLLER (Secretary of the Commission) announced that Equatorial Guinea and Latvia should be added to the list of sponsors.

6. The activities proposed in the draft resolution either involved no additional costs or came within existing mandates, for which an amount of $60,000 had already been included under section 21 (Human rights) of the programme budget for the biennium 1996-1997. There was accordingly no need for additional resources to be provided under that section.

7. Draft resolution E/CN.4/1996/L.19 was adopted without a vote.

Draft resolution E/CN.4/1996/L.20 (Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development)

8. Mr. GONZALEZ MARCHANTE (Cuba), introducing the draft resolution, said that Uganda and Viet Nam had become sponsors. The draft resolution was part of the international community's efforts to resolve the problem of the foreign debt of developing countries. It emphasized the negative effects of foreign debt not only on the economies of those countries but also, because it perpetuated their dependence, on the realization of all human rights.

9. The international community must, as advocated by the World Conference on Human Rights, alleviate the foreign debt burdens of developing countries and support their Governments' action to promote the realization of the peoples' economic, social and cultural rights. Regrettably, the actors concerned, in particular the international financial institutions, were not all showing the necessary willingness to do so. Yet, as emphasized by the United Nations High Commissioner for Human Rights, the international standards relating to economic, social and cultural rights had to be applied with the same vigour as the standards relating to civil and political rights, with priority being given to development.

10. To broaden the scope of action proposed in the draft resolution to deal with the foreign debt problem, the sponsors had, after consultation with other delegations, made two changes to the proposed text. In operative paragraph 3, after the words "debt service", the words "and consideration of other possible specific forms and means of resolving the external debt problem of the developing countries, including rescheduling agreements" should be inserted. Operative paragraph 8 had been revised to read: "Requests the Working Group on the Implementation and Promotion of the Right to Development to pay special attention in its work to the social repercussions ...", the rest of the paragraph being unchanged.

11. The activities proposed in the draft resolution, particularly within the mandate of the Working Group, would contribute to the efforts of the international community to avoid the grave social repercussions of adjustment programmes on developing countries.

12. As the text had been the subject of extensive consultations, it should be possible for it to be adopted by a large majority, as in previous years.

13. Mr. MÖLLER (Secretary of the Commission) said that Cameroon, Equatorial Guinea, Honduras and Madagascar had become sponsors of the draft resolution.

14. The draft resolution, if adopted, would have no programme budget implications.

15. At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/1996/L.20, as orally revised.

16. Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Republic of Korea.

17. Draft resolution E/CN.4/1996/L.20, as orally revised, was adopted by 34 votes to 16, with 1 abstention.

Draft decision 5 recommended by the Sub-Commission to the Commission on Human Rights for adoption (Effects on the full enjoyment of human rights of structural adjustment programmes)

18. The CHAIRMAN said that draft decision 5, which was contained in the report of the Sub-Commission on its forty-seventh session (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51), called for the establishment of an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights.

19. Mr. MÖLLER (Secretary of the Commission), explaining the administrative and programme budget implications of the draft decision, said that the costs relating to the proposed working group meeting could be met entirely from appropriations under section 21 (Human rights) of the programme budget. The conference-servicing requirements of the working group could be met from the appropriations under section 26E (Conference services).

20. The CHAIRMAN said that the United Kingdom delegation had asked for the draft decision to be put to the vote.

21. Draft decision 5 proposed by the Sub-Commission was adopted by 34 votes to 16, with 1 abstention.

Draft decision E/CN.4/1996/L.21 (Forced evictions)

22. Mr. BAUM (Germany), introducing the draft decision on behalf of the sponsors, said that taking note of Sub-Commission resolution 1995/29 and the work of other United Nations bodies on the issue, notably that of the United Nations Centre for Human Settlements (Habitat), and mindful of the need to avoid unnecessary duplication, the Commission would request the Sub-Commission to reconsider, in the light of the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in June, its recommendation to convene an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement.

23. Considering the very serious financial problems of the Organization, the sponsors believed that mandates should be allocated in the most rational way possible.

24. Mr. MÖLLER (Secretary of the Commission) announced that Japan had joined the sponsors.

25. Mr. ALFONSO MARTINEZ (Cuba) observed that asking the Sub-Commission to reconsider its recommendation in the light of the conclusions of Habitat II would have the effect of delaying any decision on the matter for approximately two years. The topics addressed at the expert seminar on the practice of forced evictions would be bound to reflect the results of the Conference, but it would be wiser to recommend to the Economic and Social Council that it authorize the holding of the expert seminar after Habitat II and taking account of its results.

26. He therefore proposed a formal amendment which consisted in replacing the words "to request the Sub-Commission to reconsider ... its recommendation to convene an expert seminar" with the words "to recommend that the Economic and Social Council, bearing in mind the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996, should authorize the holding, at an appropriate date after Habitat II, of an expert seminar".

27. Mr. van WULFFTEN PALTHE (Netherlands) said that, as he recalled, there was a directive from the Secretary-General prohibiting any new inter-sessional meetings in view of the Organization's current shortage of resources. Adopting the amendment proposed by the Cuban delegation would, moreover, mean that the Commission was avoiding its responsibilities towards the Sub-Commission, which was a subsidiary body of the Commission. His delegation was therefore opposed to the Cuban amendment and requested that such amendments should in future be submitted in writing so that delegations could study them.

28. Mr. ALFONSO MARTINEZ (Cuba) said there was no question about the fact that the Sub-Commission was a subsidiary body of the Commission. The point was simply that the seminar in question was of interest primarily to developing countries and not to developed countries, which were precisely those opposing Sub-Commission resolution 1995/29 by means of the draft decision under consideration. There was no reason why the Economic and Social Council should not be requested to take a decision on the holding of such a seminar if it had financial implications.

29. Mr. MÖLLER (Secretary of the Commission) said he took it that the effect of the amendment proposed by the Cuban delegation would be the same as adopting draft decision 4 of the Sub-Commission. Thus, regarding the administrative and programme budget implications, the cost of the proposed seminar, estimated at US$ 45,000, would be met to the extent possible from the resources included under section 21 of the programme budget for the biennium 1996-1997 and the cost of conference servicing from the provisions under section 26E.

30. Mr. van WULFFTEN PALTHE (Netherlands) asked the secretariat to confirm whether there was a directive from the Secretary-General prohibiting the convening of any new inter-sessional meeting in 1996.

31. Mr. ALFONSO MARTINEZ (Cuba) said that the question was not warranted since in his proposed amendment the Commission was not deciding to organize a seminar but requesting the Economic and Social Council to authorize the holding of it. When the Economic and Social Council came to take a decision, it would have to determine whether the directive in question was applicable.

32. Mr. MÖLLER (Secretary of the Commission) said that, according to instructions received by the Conference Services Division of the United Nations Office at Geneva, United Nations bodies were not to take any decision in the biennium 1996-1997 to organize new meetings not included in the existing calendar.

33. Mr. ALFONSO MARTINEZ (Cuba) pointed out that the amendment he had proposed concerned authorizing the convening of the seminar "at an appropriate date". It would thus not necessarily be organized during the biennium 1996-1997. Quite clearly, the seminar was of absolutely no interest to developed countries.

34. Mr. IRUMBA (Uganda) took note of the information provided by the secretariat concerning the Secretary-General's directive, but observed that it was not a decision of the General Assembly or of the Economic and Social Council.

35. The CHAIRMAN invited the Commission to vote on the amendment proposed by the Cuban delegation.

36. The amendment proposed by the Cuban delegation was adopted by 20 votes to 18, with 11 abstentions.

37. The delegations of Canada, Germany, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America withdrew from the list of sponsors of the draft decision.

38. Mr. ALFONSO MARTINEZ (Cuba) said that he would sponsor the draft decision.

39. In reply to questions from the representatives of the Netherlands and Cuba, the CHAIRMAN said that, under rule 53 of the rules of procedure, even though the original sponsors of the draft decision had all withdrawn, the draft decision itself could not be, since it had been amended. He therefore invited the Commission to vote on draft decision E/CN.4/1996/L.21, as amended.

40. Draft decision E/CN.4/1996/L.21, as amended, was adopted by 22 votes to 18, with 9 abstentions.

Draft resolution E/CN.4/1996/L.32 (Human rights and the environment)

41. Mr. MBA ALLO (Gabon), introducing the draft resolution on behalf of the Group of African States, said that in the draft resolution, taking into account the report submitted by the Secretary-General in accordance with resolution 1995/14 on human rights and the environment (E/CN.4/1996/23), the Commission requested the Secretary-General to renew his request for the opinions of Governments, specialized agencies, intergovernmental and non-governmental organizations and to submit a report to the Commission at its fifty-third session, and decided to continue its consideration of the issue of human rights and the environment at its fifty-third session. His delegation hoped that the draft resolution could be adopted by consensus.

42. Mr. MÖLLER (Secretary of the Commission) announced that Venezuela had joined the sponsors of the draft resolution.

43. Draft resolution E/CN.4/1996/L.32 was adopted without a vote.

Draft resolution E/CN.4/1996/L.17/Rev.1 (Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights)

44. Mr. CHEPSIROR (Observer for Kenya) introducing the draft resolution, said that the draft was an updated version of a similar text adopted by the Commission at its fifty-first session (resolution 1995/81). Recalling that the Economic and Social Council, by its decision 1995/288, had endorsed the Commission's decision to appoint for a three-year period a special rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, he said that the draft resolution was largely based on the preliminary report of the Special Rapporteur (E/CN.4/1996/17) and, in particular, took note of her preliminary conclusions and recommendations. The Commission recognized the efforts made by relevant international bodies to address the problem, called for cooperation among Governments and relevant United Nations agencies, sought support for developing countries in their efforts to prevent the violations of human rights caused by illicit international trafficking in toxic wastes,

urged Governments to take measures with a view to preventing illicit international trafficking in toxic and hazardous products and wastes, and requested the Special Rapporteur to consult all relevant bodies and to include in her next report information on both the perpetrators and the victims of those practices, as well as to recommend remedial measures.

45. In view of the financial constraints facing the Centre for Human Rights, the sponsors had dropped the request made in resolution 1995/81 for the establishment of a focal point in the Centre to follow up on the findings of the Special Rapporteur, but requested the Secretary-General to continue to provide the Special Rapporteur with all necessary financial and human resources. Lastly, the Commission decided, in the draft resolution, to continue consideration of the question at its fifty-third session. In short, the provisions of the draft reaffirmed the mandate given to the Special Rapporteur.

46. The sponsors had consulted a large number of interested delegations with a view to achieving consensus on the proposed text. They therefore hoped that it could be adopted without a vote. If not, they would prefer a roll-call vote.

47. Mr. MÖLLER (Secretary of the Commission) said that Bangladesh, Cameroon, Madagascar and South Africa had become sponsors of the draft resolution.

48. Concerning the administrative and programme budget implications, the proposed activities came within existing mandates and their cost should therefore be met by an amount of US$ 92,000 under section 21 of the programme budget for the biennium 1996-1997. No additional resources would be required should the draft resolution be adopted.

49. Mr. LEGAULT (Canada) said it was regrettable that the revised version of draft resolution L.17 had been distributed so late, making it impossible for many delegations to study the text carefully.

50. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, which was concerned by the issue of the transport of toxic and dangerous products and wastes, recalled that organizations and conventions, notably the Basel Convention, already existed to address that important question. The European Union considered that the priority of the international community should be to put into effect paragraph 11 of the Vienna Declaration, which called upon States to adopt and vigorously implement existing conventions. Considering its very limited available resources, the Commission should devote itself to its main tasks and avoid any duplication of efforts with those of existing bodies. Lastly, it should be noted that the Special Rapporteur had nct consulted the Secretariat of the Basel Convention, which was the main source of information on the subject.

51. For all those reasons, the States members of the European Union would oppose the adoption of the draft resolution.

52. Mrs. FERRARO (United States of America) shared the views of the previous speaker and remarked that the sponsors of the draft resolution had made hardly any effort to consult other delegations with a view to reaching a consensus.

53. Mr. VASSYLENKO (Ukraine) associated himself with the views expressed by the representative of Italy and said it was regrettable that the draft resolution referred to only two regions of the world.

54. Mrs. JIMENEZ (Mexico) said that she supported the draft resolution but would like the international community not to disperse its efforts and to avoid duplication.

55. At the request of the representative of Italy, a vote was taken by roll-call on draft resolution E/CN.4/1996/L.17/Rev.1.

56. Cameroon, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstentions: Malaysia, Philippines, Republic of Korea.

57. Draft resolution E/CN.4/1996/L.17/Rev.1 was adopted by 32 votes to 16, with 3 abstentions.

Draft resolutions concerning agenda item 6

Draft resolution E/CN.4/1996/23/Rev.1 (The right to development)

58. Mrs. CARRIZOSA DE LOPEZ (Colombia), introducing the draft resolution on behalf of States members of the Movement of Non-Aligned Countries and other States, said the preamble recalled that States and the international community were committed to promoting development policies encompassing the economic, social, political and cultural aspects of the right to development.

59. In the operative part, all the actors involved in the development process - primarily States, United Nations bodies, specialized agencies and non-governmental organizations - were requested to cooperate for the effective implementation of the right to development. In order to elaborate a practical and concrete strategy in that area, it was being proposed to establish a working group which would report to the Commission and enable it to follow and take action on the question.

60. She hoped that the draft resolution would be adopted without a vote.

61. Mr. MÖLLER (Secretary of the Commission) said that Australia, Costa Rica, Ecuador, Greece, Luxembourg, Mexico, Nepal, Norway and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

62. With regard to the financial implications of the draft resolution, the proposed activities came within the mandate of the Economic and Social Council and the cost would be covered by an amount of $92,000 under section 21 of the programme budget for the biennium 1996-1997. No additional resources would therefore be necessary should the draft resolution be adopted.

63. Draft resolution E/CN.4/1996/L.23/Rev.1 was adopted without a vote.

64. Mrs. FERRARO (United States of America) said that her delegation had joined the consensus since the text just adopted represented an improvement on those considered in previous years. She hoped that the spirit of partnership that had shaped the draft resolution would also characterize the work of the new group of experts.

65. The United States nevertheless had some misgivings about continuing the endeavour since a realistic way to approach the right to development had yet to be found that avoided theoretical wrangling and focused instead on the interdependence of human rights, democracy and development. The United States was therefore not surprised, contrary to the Working Group on the Right to Development, "to note that nine years after its promulgation, and despite sustained pressure from the international community, the Declaration on the Right to Development has not yet been implemented nor its execution even begun" (E/CN.4/1996/24, para. 297).

66. The United States did not subscribe to the Working Group's view that the right to development was "the keystone in the entire human rights structure". It was convinced that the individual must be the central focus of any discussion of the right to development, which must be realized, as emphasized at the World Summit for Social Development, through strengthening democracy, development and respect for human rights and fundamental freedoms.

67. The United States believed that democracy was the key to development and invited the expert group to examine how national efforts at promoting democracy would assist in the implementation of the right to development. If Governments were not prepared to provide the internal conditions needed for all human rights to flourish, it should come as no surprise if the right to development continued to be unfulfilled.

Draft resolution concerning agenda item 13

Draft resolution E/CN.4/1996/L.15 (Status of the International Covenants on Human Rights)

68. Mr. WILLE (Observer for Norway), introducing the draft resolution, said that almost 30 years after the adoption of the International Covenants on Human Rights, many Member States had not yet ratified them. The draft resolution therefore appealed strongly to all States that had not yet become parties to the Covenants to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41. The Secretary-General was furthermore invited to intensify efforts to that end, and to assist States

parties in ratifying or acceding to those instruments, as well as in the preparation of their reports. It was important for States parties to comply strictly with those instruments and they were encouraged to review periodically any reservations made, to formulate such reservations as narrowly as possible and to ensure that no reservation was incompatible with the object of the relevant treaty or otherwise contrary to international law. The draft resolution also stressed the importance of avoiding the erosion of human rights by derogation and of observance of the procedures for derogations.

69. He hoped that the draft resolution would be adopted by consensus.

70. Mr. MÖLLER (Secretary of the Commission) informed the Commission that the Czech Republic, Equatorial Guinea, Honduras, Israel, Latvia and the Philippines had become sponsors of the draft resolution.

71. Draft resolution E/CN.4/1996/L.15 was adopted without a vote.

Draft resolutions concerning agenda item 11

Draft resolution E/CN.4/1996/L.25 (Violence against women migrant workers)

72. Mrs. BAUTISTA (Philippines), introducing the draft resolution, revised the end of the third preambular paragraph to read: "... violence against women, its external and internal root causes and its consequences".

73. Violence against women migrant workers was increasingly becoming the focus of world attention and the need was felt to recognize the rights of migrant workers, in particular women migrant workers, who were most vulnerable to abuse and violence.

74. The draft resolution took into account the Platform of Action adopted at the World Conference on Women and the recommendations of the World Summit for Social Development, and incorporated some provisions of resolutions adopted by the General Assembly at its fiftieth session and by the Commission on the Status of Women at its fortieth session. Those two bodies had called upon States to take the necessary measures both to prevent violence against women migrant workers and to assist the victims of such violence.

75. A United Nations expert group meeting was to be held at Manila in May 1996, with the participation of the Special Rapporteur on violence against women, to submit recommendations for improving coordination of the various United Nations agencies on that issue and to develop indicators to determine the situation of women migrant workers.

76. She hoped that the Commission would adopt the draft resolution without a vote.

77. Mr. MÖLLER (Secretary of the Commission) announced that Argentina, Bangladesh, Equatorial Guinea, Nicaragua, Sri Lanka and Zimbabwe were joining the sponsors of the draft resolution.

78. Draft resolution E/CN.4/1996/L.25, as orally revised, was adopted without a vote.

Draft resolution E/CN.4/1996/L.27 (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families)

79. Mr. de ICAZA (Mexico), introducing the draft resolution, said that in view of the increasing number of violations of the rights of migrant workers and the alarming resurgence of xenophobia and racial hatred of which those workers and their families were victims, there was an urgent need for a regulatory framework to guarantee the rights of that particularly vulnerable group. If the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families did not quickly enter into force, on account of having been ratified by an insufficient number of countries, other means would have to be found to ensure that the authorities of host countries respected the dignity of migrants. Mexico reserved the right to propose the establishment of a mechanism to elaborate draft minimum standards applicable to migrant workers in any country and whatever their legal status, as well as a thematic mechanism to consider complaints of violations of the fundamental rights of migrants.

80. The sponsors of the draft resolution accordingly called upon all States to ratify the Convention at the earliest possible date and urged countries of destination to adopt appropriate measures to prevent the excessive use of force against migrant workers and to ensure that the police forces and competent authorities complied with the basic standards relating to the decent treatment of migrant workers and members of their families.

81. In operative paragraph 4, the words ", from within existing resources," should be inserted after the words "Requests the Secretary-General to provide". The sponsors hoped that the draft resolution would be adopted without a vote.

82. Mr. MÖLLER (Secretary of the Commission) informed the Commission that Ecuador, Equatorial Guinea, Honduras, Madagascar, Morocco, Peru and Sri Lanka had become sponsors of the draft resolution.

83. Mrs. FERRARO (United States of America) proposed that the beginning of operative paragraph 8 should be amended to read: "Urges countries of destination to review and adopt, as appropriate, measures ...".

84. Draft resolution E/CN.4/1996/L.27, as orally revised and amended, was adopted without a vote.

Draft resolutions concerning agenda item 16

Draft resolution E/CN.4/1996/L.26 (Tolerance and pluralism as indivisible elements in the promotion and protection of human rights)

85. Ms. KUNADI (India), introducing the draft resolution, said that the sponsors had been joined by Austria, Canada, Denmark, Germany, Greece, Honduras, Ireland, Madagascar, the Netherlands, Portugal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The time had come to bring greater focus on promoting the values of tolerance and pluralism both nationally and internationally, as well as through the United Nations human rights system.

86. The draft resolution called upon States to promote and enhance tolerance and to ensure that the values of pluralism, respect for diversity and non-discrimination were promoted effectively, as well as to promote a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, inter alia, through education leading to genuine pluralism. The relevant mechanisms of the Commission were called upon to attach the highest priority to effective promotion of those values. The High Commissioner for Human Rights and the Centre for Human Rights were invited to advise or assist countries to put in place safeguards to guarantee the full enjoyment of all human rights by all segments of their population. Lastly, the Centre for Human Rights was invited to include, in its work programmes, the promotion of tolerance.

87. The sponsors, representing a wide cross-section of countries, both developed and developing, sought to reaffirm clearly that there was no North-South divide on the issue of human rights. They hoped that the draft resolution could be adopted by consensus.

88. Mr. MÖLLER (Secretary of the Commission) announced that Bulgaria, Costa Rica, El Salvador, Equatorial Guinea, Italy and Romania had become sponsors of the draft resolution.

89. Draft resolution E/CN.4/1996/L.26 was adopted without a vote.

Draft resolution E/CN.4/1996/L.34 (Rights of persons belonging to national or ethnic, religious and linguistic minorities)

90. Mr. STROHAL (Austria), introducing the draft resolution, said that the draft was based on consensus resolutions adopted by the Commission and the General Assembly and sought to promote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The sponsors had taken into account the report of the Secretary-General on the question (E/CN.4/1996/88) and the report of the inter-sessional working group (E/CN.4/Sub.2/1996/2).

91. The draft resolution reaffirmed the need to promote and protect effectively the rights of persons belonging to minorities and acknowledged that the United Nations had an increasingly important role to play regarding the protection of minorities by creating favourable conditions for the promotion and protection of their rights. It noted the positive initiatives and measures undertaken by many countries to protect minorities and promote mutual understanding and it urged States and the international community to promote and protect the rights of persons belonging to minorities, as set out in the Declaration. It called upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned.

92. Two changes had been made to the text: the ninth preambular paragraph had been deleted, as well as the words "to continue" in operative paragraph 13. The sponsors hoped that the draft could be adopted by consensus.

93. Mr. MÖLLER (Secretary of the Commission) announced that Hungary, Lithuania and Malta had become sponsors of the draft resolution.

94. Draft resolution E/CN.4/1996/L.34, as orally revised, was adopted without a vote.

95. Mr. HASHMI (Pakistan) said that his delegation had not opposed the adoption by consensus of draft resolution E/CN.4/1996/L.26, but nevertheless deplored the fact that it made no reference to the promotion of tolerance through the adoption of measures promoting peace and means of combating racism, racial discrimination and xenophobia, as well as measures to prevent social stratification and to protect religious sanctuaries and places of worship. Regrettably, the sponsors of the resolution had systematically excluded certain countries from the preparatory discussions, but his delegation hoped that its suggestions could be taken into account when the text was considered at the General Assembly or at the Commission's next session.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

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(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/8, 42, 43, 44, 45 and Add.1, 46, 47, 48 and Add.1, 49, 50 and Add.1, 51, 52 and Add.1 and 2, 53 and Add.1 and Corr.1 and Add.2, 105, 109, 116, 117, 137 and 148; E/CN.4/1996/NGO/4, 10, 20, 28, 31, 34, 37, 43, 47, 51, 56, 64 and 75; A/50/332 and 685; A/CONF.177/20; E/CN.4/1995/48 and E/CN.6/1996/11)

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96. Mr. TEITELBAUM (American Association of Jurists) said it was clear from the reports submitted by the independent expert appointed to study the situation of human rights in Guatemala, by the Director of the United Nations Human Rights Verification Mission in Guatemala (MINUGUA) and by the Special Rapporteur on extrajudicial, summary or arbitrary executions that the situation of human rights in Guatemala remained very serious and showed no sign of improving.

97. The American Association of Jurists had sent a mission to Guatemala in November 1995 to study the administration of justice and the possibilities available to the lawyers of political prisoners. While the national authorities recognized material and human shortcomings that prevented full exercise of the right of Guatemalan citizens to a defence, they denied the existence of political prisoners. They had, however, promised to offer the necessary guarantees to the lawyers of persons accused of political offences so that they could carry out their tasks with no restriction. It should be emphasized that those lawyers had until now always been subject to threats and intimidation to the point where, with one exception, they had all eventually given up defending their clients.

98. For several years, it had been customary for the Commission to express confidence in the newly elected Guatemalan authorities. That confidence had never been justified and the Commission must not go on making the same mistake. The American Association of Jurists called upon the Commission to renew the independent expert's mandate and attach fundamental importance to the continued activities of MINUGUA.

99. The theme of violence against women in the family had been carefully studied by the Special Rapporteur on violence against women (E/CN.4/1996/53 and Add.1). However, one aspect that had not been sufficiently developed was violence linked with exploitation, which should be understood not only as sexual exploitation but also as domestic exploitation, whereby women were forced to perform the most onerous tasks in the family, which damaged their health and prevented them from fulfilling themselves as human beings. The Special Rapporteur might also study in greater depth the relationship between poverty and violence in the home.

100. Concerning the report of the Secretary-General on human rights and unilateral coercive measures (E/CN.4/1996/45), which contained a communication from the American Association of Jurists, he criticized the Helms-Burton law in the United States, which was not only an additional problem for the Cuban people but a matter of concern for the international community as a whole. It was alarming to see the Government of the world's foremost power being dominated by an aggressive and prehistoric right wing that not only envisioned Cuba's virtual annexation but was also seeking to impose its attitudes on all the sovereign States of the planet.

101. The American Association of Jurists suggested that the Commission should adopt a resolution declaring the Helms-Burton law contrary to the right of peoples to self-determination and dangerous for international peace and security.

102. Mr. Mba Allo (Gabon), Vice-Chairman, took the Chair.

103. Mr. GERARDI (Pax Romana) said that the situation of human rights in Guatemala in 1995 remained most discouraging. That was due to the weakness of the State, which was unable to discharge its basic responsibility of protecting the lives, liberty and integrity of citizens.

104. Considerable political and diplomatic pressure had to be exerted on the State and its institutions to obtain justice and those daring to do so exposed themselves to threats, forced exile and execution. The killings of witnesses, complainants, judges and procurators were also to be deplored. Freedom of expression was seriously threatened.

105. Although some 30,000 comisionados militares had been demobilized, they and the civil self-defence patrols formed a core of authoritarianism and impunity in rural areas. The "social cleansing" operations had continued in 1995.

106. The impunity enjoyed by the actors of the armed confrontation had encouraged a systematic pattern of human rights violations. The conflict had lessened, but had not disappeared, and mafia organizations and crime syndicates had emerged as a system of parallel power, paralysing the administration of justice. The Xamán farm massacre was a sad illustration of the deteriorating conditions of security. The trial of those responsible had helped to decipher an unwritten code of "institutional coverage" of the military personnel guilty of violations of human rights and humanitarian law. The new Government had decided to undertake a series of reforms of public institutions, in particular the army and the police. However, the impunity enjoyed by State officials during the armed conflict had caused structural distortions within the institutions and the reforms must therefore be viewed as a long-term process.

107. Guatemalan citizens were pleased that the Government had begun to reform the key machinery of the army and the police, but above all they were glad to see signs of a possible end to the armed conflict. Since impunity was the main obstacle to a settlement of the conflict, the peace agreements must not let past actions be ignored or allow certain individuals to flout justice.

108. The situation of human rights in Guatemala required annual consideration by the Commission and Pax Romana proposed that the independent expert's mandate should be extended.

The meeting rose at 6 p.m.

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Fifty-second session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 11 April 1996, at 6 p.m.

Chairman:	Mr. MBA ALLO (Vice-Chairman)	(Gabon)
later:	Mr. VERGNE SABOIA (Chairman)	(Brazil)

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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

In the absence of Mr. Vergne Saboia (Brazil), Mr. Mba Allo (Gabon), Vice-Chairman, took the Chair.

The meeting was called to order at 6 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

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1. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that increasing economic globalization and deregulation of the labour market were leading to a feminization of poverty, insecurity and discrimination. Pushed into low-paid, precarious employment in the informal sector, the export processing zones and domestic service, women were exposed to deplorable working conditions and anti-union repression. The export processing zones were characterized by a climate of repression that sometimes involved physical punishments. Sexual harassment was growing steadily, yet women knew that to complain often led to dismissal. Trade unions were unwelcome or simply banned.

2. Two cases involving Filipina maids, in Singapore and the United Arab Emirates, had raised international awareness of the widespread ill-treatment of such workers. Those who were illegal migrants were at even greater risk: unable to appear in public, they were at the mercy of employers, recruiting agents and traffickers. Furthermore, Governments that relied heavily on overseas remittances to contribute to national income refrained from protecting their nationals abroad from exploitation and ill-treatment. The Special Rapporteur should investigate such situations, and Governments of receiving countries should adopt clear-cut policies on labour immigration guided by the relevant United Nations and ILO conventions.

3. Mr. KAUL (Indian Council of Education) said that persons seeking refuge in their own country had the same protection requirements as those who fell within the traditional category of refugees; yet no international organization had a mandate to deal with such persons, who had traditionally been deemed to be the responsibility of the State. The report of the Representative of the Secretary-General (E/CN.4/1996/52 and Add.1 and 2) was therefore significant for its recognition that internally displaced persons should be entitled to refugee status. As pointed out in the report (Add.2, para. 412), such persons lacked protection where violations were perpetrated by non-State actors. Unfortunately, the number of displaced persons was increasing. In India, more than 450,000 Kashmiris had been rendered homeless by terrorism and were living as refugees in their own country. His organization therefore urged the Commission to take note of the proposal to restate the general principles of protection in more specific detail; to eliminate the gaps in future international instruments so that the welfare of internally displaced persons could be assured; and to take serious note of Sub-Commission resolution 1994/24, which affirmed the right of refugees and displaced persons to return, in safety and dignity, to their place of origin or choice.

4. Ms. TOM (Caritas Internationalis) said that a joint statement by her organization, the Friends World Committee for Consultation and the Commission of the Churches on International Affairs of the World Council of Churches was contained in document E/CN.4/1996/NGO/20. Those organizations welcomed the completion of the "Compilation and analysis of legal norms" contained in document E/CN.4/1996/52/Add.2, and commended the Government of Peru for facilitating the visit of the Representative of the Secretary-General in August 1995. With regard to institutional arrangements, she noted the constraints on the collaborative approach referred to in paragraph 83 of document E/CN.4/1996/52.

5. Although there was now a greater awareness of the problem of internally displaced persons, much more needed to be done. Accordingly, she urged the Commission to recommend the production of a compact and usable body of principles based on the findings of the Compilation; to consider new international standards to fill legal gaps; to prohibit the use of anti-personnel mines; to request the High Commissioner for Human Rights to ensure appropriate follow-up to any visits made by the Representative; and to develop a comprehensive strategy providing adequate means of protection and seeking durable solutions.

6. Ms. TANAKA (International Movement against all Forms of Discrimination and Racism) noting that, in her report on military sexual slavery in wartime (E/CN.4/1996/53/Add.1) the Special Rapporteur refuted the Japanese Government's argument that it was under no obligation to compensate the victims, drew the Commission's attention to a signature collection campaign in Japan calling on the Government to accept the Special Rapporteur's recommendations.

7. Eradication of the cultural and structural causes of any form of sexual slavery should be not only the moral concern but also the legal responsibility of the international community. For example, as Japanese private enterprises were at present organizing sexual tourism to neighbouring countries and

importing sexual slaves from Asian countries for the sex industry, the United Nations must declare all forms of sexual slavery a crime against humanity and ensure that the victims were compensated.

8. Mr. MENDEZ (Commission for the Defense of Human Rights in Central America) said that the economic embargo imposed on Cuba violated international law and the human rights of the Cuban people. In Guatemala, the work of the Office of the Human Rights Procurator continued to be impeded by internal armed conflict, political intolerance, corruption and impunity, which persisted under the new Presidency. In Honduras, the Office of the National Commissioner for the Protection of Human Rights had recently severed its links with the Executive and gained the confidence of the Honduran people. That new-found independence had not, however, been accompanied by increased State support for the institution. In El Salvador, the Office of the National Counsel for the Defence of Human Rights had gained the confidence of non-governmental organizations (NGOs), but there nad been widespread complaints of inactivity on the part of its provincial delegations. In Costa Rica, the ombudsman continued to play an independent and impartial role, with national and international economic support. At the regional level, his organization welcomed the establishment of the Central American Council of Human Rights Procurators and of its Consultative Committee. The procurators' offices of the region must work closely with NGOs to solve problems, the international community must continue to support their independence, and there must be better coordination between those offices and society.

9. Mr. AAJAKIA (Asian Buddhists Conference for Peace) said that, since June 1992, the Pakistan army had been conducting a full-scale operation against the Mohajir Nation of Sindh and its representative political party, the Mohajir Quami Movement, which was viewed as a threat by vested political interests. For nearly four years, the population of Karachi and the other cities of Sindh had lived in a state of siege. Statements by Pakistan condemning human rights violations in other parts of the world rang hollow when massive violations of human rights were taking place in its own largest city.

10. The basic purpose of the Pakistan Ministry of Human Rights was to project a specious image of Pakistan as a moderate, liberal Islamic democracy committed to protecting human rights. Yet 650 blasphemy cases were pending in Pakistan's courts, some of them under a section of the blasphemy law that carried an automatic death sentence, and in 1995, 130 people had been sentenced to death. International support might be decisive in restoring the social, economic and political freedoms of the Mohajir Nation.

11. Ms. PALENCIA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that thousands of families in Latin America had been forced by political violence to flee their homes. Referring specifically to the plight of such displaced persons in Colombia, Guatemala, Mexico and Peru, he noted that the worst affected were women and children. No effective policies existed to assist the victims, still less to prevent future violations of their rights and secure their return. Indeed the many recommendations of the thematic rapporteurs had been repeatedly disregarded in Colombia, and any further provision of advisory services to that country would therefore be a waste of resources.

12. It was essential that the mandates of the Independent Expert on Guatemala and of the United Nations Human Rights Verification Mission in Guatemala (MINUGUA) should be renewed and strengthened. Moreover, a special rapporteur should be appointed to study the situation in Colombia and a resolution should call for a public supervisory mechanism, rather than merely for the opening of an Office of the High Commissioner for Human Rights, so as to facilitate the process of democratization in that country.

13. Ms. BAGOZZI (World Organization against Torture) said that certain forms of violence were female-specific. They included war-related sexual violence, exemplified by the mass rapes perpetrated in the former Yugoslavia; violence permitted by law as a punishment for women failing to follow social or customary rules, exemplified by laws recently adopted in the Islamic Republic of Iran; and violence connected with birth control policies. In Tibet, for instance, the Chinese authorities practised enforced abortion and sterilization.

14. Many forms of violence that were not gender-specific also affected women more than men in that women were sexually harassed or raped during interrogation by police or State agents. Pregnant female detainees were particularly vulnerable. Her organization therefore urged that more attention should be devoted to women by the Committee against Torture and the Special Rapporteur on the question of torture; that the Special Rapporteurs on torture and on violence against women should collaborate on a continuing basis; that the Committee against Torture should organize a special day devoted to female-specific forms of torture; and that the mandate of the Special Rapporteur on violence against women should be renewed on its expiry in 1997.

15. Mr. CASTRO (World Federation of Democratic Youth) pointed out that while advisory services were particularly important in countries in transition after armed conflict or disturbances, they would achieve nothing unless the Government in question really intended to improve its human rights record and United Nations resolutions were implemented. Technical cooperation was a complement to, not a substitute for, supervision and investigation.

16. Colombia was a case in point, for despite the efforts made by United Nations human rights experts, the situation had not improved, United Nations recommendations had been flouted, and the judiciary's action was undermined by the Government's lack of will to end the chronic violation of human rights; the result was impunity.

17. Noting that a mechanism to supervise the implementation of United Nations resolutions in Colombia had been recommended, he said it was inconceivable that an uncooperative Government which had no intention of respecting recommendations should continue to receive assistance from the international community. The Commission on Human Rights should appoint a Special Rapporteur on Colombia forthwith.

18. Ms. SCHULER (Institute for Women, Law and Development) welcomed the Special Rapporteur's recommendations designed to strengthen protection against domestic violence, which could be tantamount to torture. The many strategies that were required to deal with domestic violence should address the needs of

the victim and tackle underlying social values. Legal reform was also necessary, existing laws should be applied more rigorously and new gender-specific, comprehensive, domestic violence legislation enacted.

19. Most of existing legislation on the subject referred to family violence in general, whereas specific prohibitions were needed, as were more extensive remedies. She hoped that Governments would use the Institute's report as a guide when drafting the relevant legislation, which had to be accompanied by adequate, long-term, financial and structural support.

20. Mr. TOTSUKA (International Fellowship of Reconciliation) said Japan's claim that the issue of reparations to "comfort women" had been finally and completely settled in a number of international agreements was belied by the fact that neither the Democratic People's Republic of Korea nor China were parties to the San Francisco Peace Treaty, and that the question of "comfort women" was not covered by treaties between Japan and Taiwan or Japan and the Republic of Korea. Yet the obligation to punish those responsible for illegal forced labour still existed under ILO's Forced Labour Convention, and a report by the ILO Committee of Experts had recognized that "comfort women" had been subjected to sexual slavery in violation of that Convention.

21. His organization supported the views expressed by the Special Rapporteur on violence against women in her report (E/CN.4/1996/53/Add.1), urged Japan to comply with her recommendations swiftly and requested her to continue her work on military sexual slavery in Japan.

22. Mr. FRANCO (United Nations Mission for the Verification of Human Rights and Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala - MINUGUA) said that the United Nations had played an active role in achieving a peace settlement in Guatemala and in supervising its implementation. MINUGUA, which had been set up in 1994, had had its mandate extended up to the end of 1996. There was a growing realization that peace and human rights, including those of indigenous peoples, were closely linked in Central America, and that international supervision would have a beneficial impact on both.

23. Previous similar missions had shown that it was important to strengthen institutions from the outset. MINUGUA had therefore placed great emphasis on that aspect while pursuing a strategy of decentralizing human rights education to reflect the country's ethnic diversity.

24. MINUGUA's rapid deployment had meant that extensive inspection had commenced immediately. The mission had submitted four reports in which it had stressed the issue of impunity. He noted that most human rights violations concerned infringement of the right to life, and that the Unidad Revolucionaria Nacional Guatemalteca (URNG) had been responsible for the vast majority of violations of the agreement on human rights and armed confrontation.

25. The mission had concluded that most of the violations which had gone unpunished had been committed by persons connected with or protected by the State, although it did not suggest that the Government deliberately set out to infringe human rights. The Government did not, however, have a policy to

combat impunity, and the will to investigate and punish human rights violations involving the military, the police or illegal groups enjoying their support was held in check by a nexus of interests.

26. Although both the Government and URNG commanders were guilty of infringing human rights, significant progress had been made and there were grounds for hoping that the situation would continue to improve. Peace negotiations had acquired fresh vitality, a cease-fire was in force, and members of the police involved in human rights offences were being dismissed.

27. On the other hand, at the end of March, lynching had occurred. It had ostensibly been carried out by a population frustrated by institutional inefficiency, but could have been an attempt to discredit the authorities and create instability.

28. On the whole, however, MINUGUA had helped to strengthen human rights. Close contacts like those it had with a number of United Nations human rights organs should be increased, as the optimum effectiveness of United Nations action in the sphere of human rights depended on cooperation between on-the-spot missions and specific human rights bodies.

29. Mr. Verqne Saboia (Brazil) took the Chair.

30. Ms. EBTEKAR (Network of Women's Non-governmental Organizations in Iran) said that the Network had been set up during preparations for the fourth World Conference on Women in 1995 and comprised 43 NGOs engaged in various social, political, economic and educational activities. Six member organizations were run by religious minorities.

31. Its main priority was the empowerment of women and enhancement of their status in Iranian society by ensuring their participation in the decision-making process and their enjoyment of equal access to education, health and employment. There was no conflict between divine religious teachings and the empowerment of women. Iranian women were thus playing a growing and increasingly accepted role in public life.

32. Education and public awareness were needed to solve the question of violence against women in society and within the family. While irresponsible global mass media directly and indirectly encouraged the exploitation of women, the breakdown of the family was another factor contributing to the problem, as the family could provide positive gender education and promote responsible partnership.

33. Mr. KARMIRSHALIAN (Observer for Armenia), speaking on behalf of Armenia's Centre for Democracy and Human Rights, said that a society's civilized development was chiefly measured by its respect for human rights which could not, however, be guaranteed by even the best of laws in the absence of a mechanism for their implementation.

34. Several international organizations had advocated the establishment of institutions to protect human rights in eastern Europe and the Commonwealth of Independent States (CIS). That was one of the functions fulfilled in Armenia by his Centre, which had been set up in October 1995.

35. While Armenia had ratified most international human rights conventions after its independence and human rights had been incorporated in its laws and Constitution, their rigorous observance in the country was hampered by a number of obstacles and mainly by a lack of knowledge or experience among the general public and officials. One of the Centre's main duties was to fill that gap.

36. The Centre was the first human rights institution to be set up jointly by international organizations and a Government on the territory of the CIS. It was an independent body governed by the "Paris principles", and its activities were regulated by a combination of international instruments and national legal provisions. The Centre's library, which would contain a comprehensive collection of human rights documentation and the Centre had already started to translate basic texts into Armenian. Its representatives would be members of a commission whose aim was to bring Armenian law into line with international standards.

37. The Centre had established contacts with many international and national organizations and it greatly appreciated their assistance in the holding of seminars and round tables, some of which he mentioned in detail. Twelve seminars were to be held in 1996.

38. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, the central and eastern European countries associated with the Union and the associated countries Cyprus and Malta, said that the provision of technical assistance and advisory services through the Centre for Human Rights was often the most important operational support that the High Commissioner for Human Rights could offer as a follow-up to his dialogue with Governments. The European Union encouraged him to organize more regular information and fund-raising meetings with donors to enhance awareness of and financial support for advisory services and to ensure that those services drew on the reports and recommendations of human rights treaty bodies.

39. Technical assistance was an essential component of policies designed to prevent the massive human rights violations that were a major cause of internal conflicts. Rwanda was a sad example of the international community's failure to provide the type of technical assistance in human rights that might have prevented a major tragedy. Hence the importance of preventive action in Burundi, through support for the technical assistance programme, taking into account the recommendations of the Special Rapporteur. The European Union urged the Government of Burundi to cooperate in implementing the programme.

40. The General Framework Agreement for Peace in Bosnia and Herzegovina provided the basis for one of the most important operations of post-conflict assistance in rebuilding democratic institutions. The European Union fully supported the High Commissioner's Programme of Operations for Bosnia and Herzegovina, which sought to develop effective institutions for the protection of human rights. It also appreciated the practical action being taken by the High Commissioner and the Centre for Human Rights through the Human Rights Task Force of the High Representative, Mr. Bildt.

41. The European Union stressed the importance of including a human rights dimension in United Nations peace-keeping and humanitarian operations and urged the Secretary-General and Member States to make use of the know-how available in the Centre for Human Rights. It pointed out, however, that

programmes of technical assistance in no way lessened Governments' accountability for human rights violations and could never replace United Nations monitoring and investigating activities.

42. The allocation of personnel and financial resources to preventive action in the field of human rights often helped to avoid extremely costly humanitarian operations, and the funding of human rights activities could be viewed as a prerequisite for sustainable development.

43. As the Centre for Human Rights was unable to meet the growing demand for technical assistance, the European Union felt that funds for the programme should be substantially increased and that a larger share should come from the regular budget instead of from the Voluntary Fund for Technical Cooperation. Despite a substantial increase in contributions to the Fund in 1995, an additional US $4 million was needed to finance the 22 project proposals submitted to the Board of Trustees. The European Union therefore urged all Member States to consider making voluntary contributions. It appreciated the more transparent management of the Fund and recommended that the practice of briefing by the Board and the competent unit of the Centre for Human Rights should be continued. It noted with satisfaction that a new Coordinator for the Fund had been appointed and that basic United Nations technical cooperation procedures related to programme identification, implementation and evaluation were being followed. If technical cooperation activities carried out by other United Nations bodies bore some relationship to human rights, the European Union encouraged the High Commissioner to make available his expertise in that context.

44. Mr. TCHUMAREV (Russian Federation), speaking on agenda item 17, said that the impressive figures in document E/CN.4/1996/90 for projects relating to advisory services in the field of human rights reflected the resolutions of the World Conference on Human Rights, the greater effectiveness of technical cooperation programmes and the willingness of beneficiary States to improve their human rights situation. The High Commissioner for Human Rights could count on the support of the Russian Federation for an increase in human and financial resources for advisory services on the understanding that the effectiveness of such resources was enhanced. Unfortunately, implementation of the relevant programme in the Russian Federation had been stalled for some time owing to the repeated changes of coordinator. Projects tailored to a country's circumstances and requirements were preferable to standard projects, and donors should avoid attaching unduly strict conditions to the use of contributions to the Voluntary Fund. The Centre for Human Rights would benefit from better management, avoidance of duplication and closer cooperation with Member States.

45. Turning to agenda item 9, he said that action to promote and protect human rights in the Asia and the Pacific region had resulted in the creation of national human rights structures and the strengthening of judicial institutions. His delegation supported the recommendations of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights contained in document E/CN.4/1996/8. It urged the Secretary-General and the High Commissioner on Human Rights to adopt a more specific position on the question of participation by such institutions in United Nations meetings on human rights.

46. With regard to unilateral coercive measures, his delegation was convinced that inter-State conflicts should be resolved through constructive dialogue and respect for international law and the Charter of the United Nations.

47. Lastly, he commended the analysis by the Representative of the Secretary-General of the legal norms applicable to internally displaced persons (E/CN.4/1996/52/Add.2).

48. Ms. de MELLO BARRETO (Brazil) said that the Special Rapporteur on violence against women, its causes and consequences had been invited to visit Brazil later in the year. Her delegation fully supported the recommendations contained in his report (E/CN.4/1996/53), particularly for action at the national level. Some of them were already being implemented in Brazil. The Government intended to introduce a bill in the National Congress under which, inter alia, rape would be made a "crime against the human person" with more severe sanctions than in the past. Other measures were designed to increase women's participation in political life and to provide them with integral health care emphasizing reproductive rights. The draft national plan for human rights provided for the involvement of the National Council of Women's Rights in the formulation and monitoring of policies, a national programme to combat violence against women and a shelter programme for victims, and the inclusion of a gender perspective in education.

49. Her delegation supported the Special Rapporteur's views on the integration of women's rights in the mainstream of United Nations human rights activities and commended the steps taken by the High Commissioner and the Centre for Human Rights to have women's rights included among the issues taken up by treaty bodies when they monitored States' compliance with their treaty obligations.

50. Ms. HAMILTON (Australia) said that the establishment of independent national institutions was a particularly effective way for States to promote observance of human rights standards. The Commission should recognize such institutions as a constructive partner and provide for their participation in its proceedings on a separate basis from Governments.

51. Australia strongly supported the work of the Special Rapporteur on violence against women, its causes and consequences and gave high priority to the integration of women's rights throughout the United Nations system. His report (E/CN.4/1996/53) placed the issue of domestic violence firmly within the sphere of human rights and was an important contribution to understanding of the issue.

52. Australia had adopted a Disability Discrimination Act that made it unlawful to discriminate against persons affected or believed to be affected by HIV/AIDS. It was encouraged by the establishment of a human rights programme under UNAIDS.

53. The Decade for Human Rights Education was a timely initiative. National education strategies should take account of local needs and conditions while remaining firmly grounded in international human rights law and practice.

54. Consideration of the issue of sexual orientation was long overdue in the United Nations system and should be placed on the agenda despite the difficulties presented by diverse political, cultural and religious traditions.

55. Mr. ERPEL (Chile) said that advisory services and technical and financial assistance in the field of human rights were among the most constructive forms of international cooperation. But as mentioned in the Secretary-General's report (E/CN.4/1996/90), the funds currently available under the regular budget and the Voluntary Fund fell far short of the amount required to meet the growing demand. A concerted effort by the international community was necessary to remedy the situation. At the same time, the procedure for granting advisory services should made more transparent to prevent abuses.

56. Advisory services in the area of education assumed special relevance in the context of the Decade for Human Rights Education.

57. His delegation understood the concern of certain Governments that were endeavouring to improve the human rights situation in their country to avoid being lumped together with other uncooperative Governments under agenda item 10. However, rather than transferring such cases to item 17 as deserving candidates for advisory services, his delegation proposed the creation of a new item or subitem for the purpose.

58. He stressed that advisory services and technical cooperation were no substitute for monitoring and investigating activities and did not absolve Governments of responsibility for the human rights situation in their country.

59. Mrs. TESFAYE (Ethiopia) said that violence against women was something that occurred in all societies and knew no barriers of income, class or culture. The Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the excellent report by the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1996/53) provided a solid basis for action to prevent and redress such violence. The Special Rapporteur had presented a clear picture of the problem of domestic violence, which was hard to reconcile with the traditional image of the family as a haven of tranquillity. Despite its universality, there was a conspiracy of silence to conceal the extent of domestic violence, which was a powerful tool of oppression and whose victims were almost invariably women. As a violation of human rights, it was comparable to torture, and a State that failed to prevent and punish domestic violence could be accused of complicity. It was gratifying to note that woman-battering, among other forms of domestic violence, had been treated appropriately in the Special Rapporteur's report, and she also appreciated the useful suggestions for the elimination of violence against women at the national and international levels made in paragraphs 140, 142, 144 and 145, as well as the framework for model legislation contained in the second addendum to the report.

60. Ethiopian women had been subjected to various forms of violence because of customary practices based on tradition and religion and because their low social and economic status rendered them helpless. She described a number of such extremely iniquitous practices and pointed out that while rape and bodily

assault were regarded as criminal offences under the 1957 Ethiopian Penal Code the law governing violence against women was neither comprehensive nor adequate and contained several ambiguities concerning rape and battery.

61. Nevertheless, the situation in Ethiopia was improving. In a significant step forward, the Ethiopian Constitution of 8 December 1995 for the first time included provisions on the protection of the human rights of women and underscored their rights to citizenship, consent to marriage and equal rights before and after marriage. Article 35 specifically referred to a woman's right to protection by the State from harmful customs. Ethiopia had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981 and all human rights instruments to which Ethiopia was a party had been incorporated in the country's legislation.

62. General awareness of the causes, consequences and legal implications of violence against women must be achieved and traditional customs challenged. Her Government would have to rely heavily on the support of community organizations, NGOs, grass-roots organizations and the mass media in that task.

63. Mr. WILLIS (Australia) said that his delegation, which believed that any plan to restructure the Centre for Human Rights should not in any way reduce its capacity to deliver effective advisory services and technical cooperation, welcomed the measures taken to strengthen the management of the Voluntary Fund for Technical Cooperation and improve dialogue with donors. His country would provide an additional contribution of $A 80,000 to that Fund.

64. Referring to the promotion of human rights infrastructures in Cambodia, he said that Australia was committed to assisting Cambodia in its efforts to promote and protect the human rights of its people and therefore welcomed the agreement reached between the Government of Cambodia and the High Commissioner for Human Rights on the continued operation, for a further two years, of the Office of the Centre for Human Rights in Phnom Penh.

65. Progress had been made, particularly in the area of human rights education and the creation of a functional system of justice. However, Australia was keenly interested in the effective functioning of multi-party democracy, and was concerned about reports of violence and intimidation directed at minor political parties and their supporters, in violation of the principles set out in annex 5 to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991. The universal application of the rule of law was another area of concern. Australia hoped that Governments would continue to provide political and financial support for the efforts of the Centre for Human Rights in Cambodia and elsewhere.

66. Ms. DION (Canada) noting that the fourth World Conference on Women had highlighted the need to eliminate violence against women and to ensure the full integration of the human rights of women into United Nations human rights mechanisms, welcomed the timely contribution made on the subject by the Special Rapporteur in her report (E/CN.4/1996/53).

67. Her Government agreed that States had a duty to protect the human rights of women and urged members of the Commission to follow up their commitments to ratify all international human rights instruments and withdraw their reservations, to comply with reporting requirements, to ensure the inclusion of gender-specific information pertaining to them, and to ensure that legislation addressed the issue of domestic violence.

68. Canada hoped that action would be taken to ensure that the human rights of women were accorded equal weight and due consideration by the principal human rights mechanisms for which the Commission was responsible. Her Government therefore suggested that the Committee responsible for monitoring compliance with the Convention on the Elimination of All Forms of Discrimination Against Women should be put on the same footing as the other human rights treaty bodies, and that the work begun at the 1996 Commission on the Status of Women to draft an optional protocol to that Convention, as well as the recommendations of the Special Rapporteur, should be strongly supported. It was also vital to ensure the system-wide coordination of efforts to achieve the global objectives relevant to women decided upon at other recent United Nations conferences.

69. NGOs had an important role to play in that respect, for they had led the way in supplying gender-specific information. She also commended to the Commission's attention the report of the expert group meeting held in July 1995 on the development of guidelines for the integration of gender perspectives into human rights activities and programmes.

70. Ms. ESCOBAR (El Salvador) said that the Beijing Declaration and Platform for Action and the Vienna Declaration and Programme of Action were important tools in ensuring the protection of human rights for women and children, which were inalienable, integral and inseparable from universal human rights. As the Special Rapporteur on violence against women had reported, violence was a scourge endured by women the world over, and El Salvador wholeheartedly endorsed her appeal that States should enact legislation to combat such violence. She explained that her country's Legislative Assembly had, in 1995, ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, which took precedence over El Salvador's domestic law. In addition, rehabilitation centres had been established to assist women.

71. El Salvador supported resolution 1995/86 of the Commission on Human Rights and considered that the various steps taken by the United Nations to promote the integration of women into its activities were encouraging.

72. In conclusion, emphasizing the increasing vulnerability of migrant women workers, she drew the Special Rapporteur's attention to their plight and suggested that it would be well if she could look into the problem and include her findings in her next report to the Commission.

73. Mr. HOSKING (Observer for New Zealand), speaking as a New Zealand Human Rights Commissioner, said that national institutions, as valuable repositories of independent information on their country's human rights situation, were uniquely placed to contribute to discussions in the Commission on Human Rights. That fact had been recognized by the 1993 World Conference on Human

Rights which had accorded those institutions the right to participate in deliberations as separate entities with observer status. The New Zealand Human Rights Commission and the New Zealand Government believed that the work of the Commission on Human Rights could be enhanced and facilitated by the adoption of a similar arrangement.

74. The Co-ordinating Committee of National Institutions had met the previous week under the auspices of the Centre for Human Rights and had been pleased to acknowledge the establishment of new national institutions as well as the strengthening of others. All efforts in that direction, coupled with the coordination of the Asia-Pacific regional meeting, scheduled for later in 1996, would serve to widen the network of institutions in the region.

75. The New Zealand Human Rights Commission was committed to the promotion of human rights education and wished to commend the contribution of the Centre for Human Rights in the area of technical cooperation.

76. Mr. AGURTSOU (Belarus) said that, since its inception, the Commission had made a tremendous contribution to the promotion and protection of human rights by providing a unique forum for dialogue between Governments, international organizations and NGOs.

77. However, the Commission had reached a symbolic threshold and was in need of reform, which was all the more timely as the Commission itself approached its fiftieth anniversary and in view of the impending celebration of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights two years later. Moreover, a number of speakers on agenda item 3 had emphasized the need to restructure the work of the Commission and their appeals for consensus, dialogue, cooperation, greater transparency, the need for broader consultations, the avoidance of politicization and selectivity of issues reflected a prevailing trend in favour of change.

78. New problems were emerging to replace the ideological tension of the cold war. Nevertheless, the Commission's agenda had not changed significantly over the previous 20 years. Did that mean that human rights problems had not changed? Or was the agenda being prepared in too rigid a manner? His delegation believed it would not suffice to regroup items. What was required was the inclusion of new items reflecting the demands of the day and the exclusion of outdated items. His Government would suggest, as a partial solution, resumption of the work of the open-ended working group established under decision 1994/111.

79. It was widely agreed that the protection of human rights was of supreme importance and that the necessary mechanisms should be developed to accomplish that task. Belarus assured the Commission of its unwavering support for the initiative taken by the High Commissioner for Human Rights in reorganizing the Centre for Human Rights so as to best serve the needs of a changing world.

The meeting rose at 9 p.m.